



DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-836]

Light-Walled Rectangular Pipe and Tube from Mexico: Final Results of Antidumping Duty Administrative Review; 2020-2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that sales of light-walled rectangular pipe and tube (LWRPT) from Mexico were made at less than normal value during the period of review (POR), August 1, 2020, through July 31, 2021.

DATES: Applicable [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: John Conniff or Kyle Clahane, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1009 or (202) 482-5449, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 8, 2022, Commerce published the *Preliminary Results* for this review in the *Federal Register* and invited interested parties to comment on those results.¹ From November 15 to December 29, 2022, interested parties submitted case and rebuttal briefs.² For a

¹ See *Light-Walled Rectangular Pipe and Tube from Mexico: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2020–2021*, 87 FR 54965 (September 8, 2022) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

² See Nucor Tubular Products Inc. (Nucor)’s Letter, “Nucor Tubular Case Brief,” dated November 15, 2022; see also Regiomontana de Perfiles y Tubos S. de R.L. de C.V. (Regiopytsa)’s Letter, “Case Brief,” dated November 15, 2022; Perfiles LM, S.A. de C.V.’s Letter, “Case Brief of Perfiles LM,” dated November 15, 2022; Regiopytsa’s Letter, “Rebuttal Brief,” dated November 22, 2022; Nucor’s Letter, “Nucor’s Tubular’s Rebuttal Brief Resubmission,” dated December 29, 2022; and Maquilacero S.A. de C.V. and Tecnicas de Fluidos S.A. de C.V. (collectively, Maquilacero/TEFLU)’s Letter, “Resubmission of Maquilacero S.A. de C.V.’s Case and Rebuttal Briefs,” dated December 29, 2022.

complete summary of events that have occurred since Commerce published the *Preliminary Results*, as well as a full discussion of the issues raised by parties for these final results, *see* the Issues and Decision Memorandum.³ Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁴

The products covered by the *Order* are LWRPT from Mexico. For a complete description of the scope, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum.⁵ A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached in an Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the *Preliminary Results*

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we made certain changes to the preliminary weighted-average dumping margins calculated for Maquilacero/TEFLU, and Regiopytsa. For a detailed discussion of these changes, *see* the Issues and Decision Memorandum.⁶

³ See Memorandum, "Light-Walled Rectangular Pipe and Tube from Mexico: Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review; 2020-2021," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See *Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 73 FR 45403 (August 5, 2008) (*Order*).

⁵ See Issues and Decision Memorandum.

⁶ *Id.*

Rates for Companies Not Selected for Individual Examination

The statute and Commerce's regulations do not address the establishment of a rate to be applied to individual companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides for calculating the all-others rate in an investigation, for guidance when calculating the rate for companies which Commerce did not examine in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, *de minimis* (*i.e.*, less than 0.5 percent), or determined entirely on the basis of facts available.

For these final results of review, we calculated a weighted-average dumping margin for both respondents, Maquilacero/TEFLU and Regiopytsa. Consistent with section 735(c)(5)(A) of the Act, we determined the weighted-average dumping margin for each of the non-selected companies based on the weighted-average dumping margins calculated for the mandatory respondents.⁷

Final Results of Review

Commerce determines that the following weighted-average dumping margins exist for the period August 1, 2020, through July 31, 2021:

Producer or Exporter	Weighted-Average Dumping Margin (percent)
Maquilacero S.A. de C.V./Técnicas de Fluidos S.A. de C.V.	9.20
Regiomontana de Perfiles y Tubos S. de R.L. de C.V.	1.56
Perfiles LM, S.A. de C.V.	5.38
Productos Laminados de Monterrey S.A. de C.V.	5.38

⁷ See Memorandum, "Final Results of the Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Mexico: Calculation of the Rate for Non-Selected Respondents," dated concurrently with this notice.

Disclosure

Commerce intends to disclose the calculations performed for these final results to interested parties in this review under administrative protective order within five days of the date of publication of this notice in the *Federal Register*, in accordance with 19 CFR 351.224(b).

Assessment Rate

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. In accordance with 19 CFR 351.212(b)(1), for Maquilacero/TEFLU and Regiopytsa, the mandatory respondents, Commerce calculated importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those same sales. Where either a respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" will apply to entries of subject merchandise during the POR for which the examined companies did not know that the merchandise they sold to an intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

The assessment rate for antidumping duties for each of the companies not selected for individual examination will be equal to the weighted-average dumping margin identified above in the "Final Results of Review" section.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.⁸

Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the *Federal Register* in accordance with 19 CFR 356.8(a).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the companies identified above in the “Final Results of Review” will be equal to the company-specific weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by a company not covered in this administrative review but covered in a completed prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review or completed prior segment of this proceeding but the producer is, the cash deposit rate will be the company-specific rate established for the most recently-completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.76 percent, the rate established in the investigation of this proceeding.⁹

These cash deposit requirements, when imposed, shall remain in effect until further notice.

⁸ See section 751(a)(2)(C) of the Act.

⁹ See *Order*, 73 FR at 45405

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the term of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: March 7, 2023.

Lisa W. Wang,
Assistant Secretary
for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

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 - Comment 1: Whether Maquilacero and TEFLU Should Continue to be Collapsed
 - Comment 2: Whether Products Sold by TEFLU are In-Scope Merchandise
 - Comment 3: Whether Commerce Should Use Unverified Maquilacero/TEFLU Information
 - Comment 4: Whether Commerce Should Modify its Treatment of Certain TEFLU IMMEX Sales
 - Comment 5: Whether Commerce Should Modify the Product Comparison Methodology SAS Programming
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 - Comment 7: Whether to Reallocate Costs for Prime and Non-Prime Products
 - Comment 8: Whether Commerce Should Combine Maquilacero and TEFLU's Home Market Sales
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 - Comment 10: Whether to Correct the Application of Maquilacero/TEFLU's Transactions Disregarded Adjustment
 - Comment 11: Whether to Assign a Value for U.S. Sales Where No Importer is Reported
 - Comment 12: Whether to Include Abinsa's Late Payment Charges Revenue
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 - Comment 15: Whether Commerce Should Use Regiopytsa's Quarterly Cost Periods
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- VI. Recommendation